

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

JOSE N. AVILA,

Plaintiff,

v.

MARTIN O'MALLEY, Commissioner of
Social Security,

Defendant.

Case No. 2:24-cv-00690-EJY

ORDER

Before the Court is Plaintiff's Application for Leave to Proceed *in forma pauperis*. ECF No. 1. Plaintiff challenges the Social Security Administration's denial of Social Security Disability Insurance benefits.

Plaintiff submitted the declaration required by 28 U.S.C. § 1915(a) showing an inability to prepay fees and costs or give security for them. Plaintiff's request to proceed *in forma pauperis* is granted.

Effective December 1, 2022, the Federal Rules of Civil Practice were amended to add Supplemental Rules for Social Security Actions under 42 U.S.C. § 405(g) except to the extent that they are inconsistent with the Supplemental SSA Rules. The highlights of the new Supplemental Rules are as follows:

- Outlines specific information that must be included in the complaint;
- Eliminates the need for service under Fed. R. Civ. P. 4, and provides for electronic service on the Commissioner of Social Security by Notice of Electronic Filing sent to the SSA's Office of General Counsel and the United States Attorney Office for the district where the action is filed;
- Provides that the administrative record may serve as the answer to the complaint and shall be filed within 60 days of the receipt of notice of the action; and

- Provides a briefing schedule for the plaintiff's brief (30 days after answer), Commissioner's brief (30 days after plaintiff's brief) and plaintiff's reply brief (14 days after Commissioner's brief).

Accordingly, IT IS HEREBY ORDERED that Plaintiff's Application for Leave to Proceed *in forma pauperis* (ECF No. 1) is GRANTED.

IT IS FURTHER ORDERED that Plaintiff's Complaint (ECF No. 1-1) will proceed against Defendant.

IT IS FURTHER ORDERED that the Clerk of the Court must detach and file Plaintiff's Complaint (ECF No. 1-1).

IT IS FURTHER ORDERED that Plaintiff shall familiarize himself with the Supplemental Rules for Social Security Actions Under 42 U.S.C. § 405(g) found in the Federal Civil Judicial Procedure and Rules 2022 Revised Edition. As stated above, these Rules pertain to service (Rule 3), the answer, motions and timing (Rule 4), and the motion, response and reply brief (Rules 6 through 8).

DATED this 10th day of April, 2024.


ELAYNA J. YOUCHAH
UNITED STATES MAGISTRATE JUDGE